

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KIVA KITCHEN & BATH, INC., §
§
Plaintiff, §
§
v. § Civil Action No. H-06-2562
§
CAPITAL DISTRIBUTING, INC., §
§
JOHN MICHAEL DAVIS a/k/a §
§
MICHAEL DAVIS a/k/a JOHN §
§
DAVIS, and JENNIFER TYRRELL, §
§
§
Defendants/ Third-party §
Plaintiffs, §
§
v. §
§
BRINGMEBIZ, INC., and TODD §
§
MCCALLY, §
§
§
Defendants/Third-party §
Defendants. §

FINAL JUDGMENT

As the jury has returned its verdict in favor of Plaintiff Kiva Kitchen & Bath, Inc. and Third-Party Defendants, and the Court has ruled on the parties' post-trial motions, the Court hereby

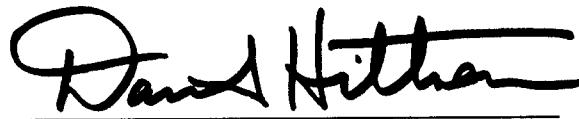
ORDERS that final judgment be entered in accordance with the jury's verdict and the Court's Order of this date. Plaintiff Kiva Kitchen & Bath, Inc. shall recover

from Defendants Capital Distributing, Inc. and John Michael Davis, joint and severally, \$500,000 in statutory damages; \$500,960.35 in attorneys' fees; \$16,543.49 in costs; and post-judgment interest at the rate of 1.63%. Defendants Capital Distributing, Inc. and John Michael Davis are enjoined from registering and/or infringing on Plaintiff Kiva Kitchen & Bath, Inc.'s trade names and marks, including Jarrell Appliance Gallery, AABC Appliance Gallery, Stone Appliance Gallery, and McNairs Appliance Gallery in connection with the promotion, advertising, offering, manufacturing, distributing, or selling of Capital and/or Davis's products and services. The Court further

ORDERS that Defendants Capital Distributing, Inc. and John Michael Davis' claims against Third-Party Defendants BringMeBiz, Inc. and Todd McCally are DISMISSED. Defendants shall take nothing from Third-Party Defendants.

This is a FINAL JUDGMENT.

SIGNED at Houston, Texas, on this 22 day of April, 2008.



DAVID HITTNER
United States District Judge